



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 18, 2007

Jean Paul Bradshaw, Treasurer
Graves for Congress
2345 Grand Suite 2400
Kansas City, MO 64108

Response Due Date:
January 21, 2008

Identification Number: C00359034

Reference: October Quarterly Report (7/1/07 – 9/30/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 8 items:

1. Schedule A of your report discloses one or more contributions that appear to be from a corporation(s) and/or labor organization(s) (see attached). 2 U.S.C. § 441b(a) prohibits the receipt of contributions from corporations and labor organizations unless made from separate segregated funds established by the corporations and labor organizations.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within thirty (30) days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

Please inform the Commission of your corrective action immediately and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action, prompt action by you to refund the prohibited amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,300 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. § 441a(a) and (f); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the

contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

3. Column B figures for the Summary and Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for Lines 6(a), 6(c), 11(a)(iii), 11(e), 16 and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals. (2 U.S.C. § 434(b))

4. Some of the contributions itemized on Schedule A of your report appear to have incorrect values in the "Election Cycle-to-Date" field. This field should reflect the total amount that the committee received from the contributor in the current election cycle, from 11/8/06 through the date of receipt of the contribution. (11 CFR § 104.3(a)(3)) Some of the election cycle-to-date totals reported on your Schedule A do not appear to include all contributions from the contributor received in this election cycle. Failure to correctly total contributions received from a given source in the election cycle could lead to acceptance of excessive contributions by the committee. Please note that this problem frequently occurs when the contributor name is entered in the committee's electronic reporting database more than once using a different spelling and/or format. This prevents the database from properly aggregating contributions from the same individual or entity. Entering correct election cycle dates and ensuring that the name of each contributor is entered into the database only once would help avoid election cycle-to-date errors. When reporting contributions from political action committees, using the contributor's FEC identification number will help prevent duplicate entries.

Please review your procedures for compliance with this requirement and amend your report(s) as necessary. Incorrect aggregate election cycle to date totals for contributors listed on your report include the following:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>Reported ECTD Total</u>	<u>ECTD Total Calculated by the FEC</u>
Gage LLC	9/7/07	\$2,000.00	\$2,000.00	\$4,000.00
Gage Properties, LLC	9/7/07	\$2,000.00	\$2,000.00	\$4,000.00
General Motors Corp PAC	9/26/07	\$250.00	\$250.00	\$2,250.00
Holton, John S.	8/15/07	\$2,000.00	\$2,000.00	\$6,600.00

If you need more information, please contact the undersigned analyst.

5. Your report discloses \$2,489.00 from Traveler's Indemnity of Missouri in Offsets to Operating Expenditures on Line 14, Column A, of the Detailed Summary Page. However, your report does not include a memo text

detailing the nature of this offset. Please be advised that if there are not corresponding expenditures for these entries, it may constitute an excessive or prohibited contribution. Please amend your report to provide an explanation for this entry. (11 CFR § 104.3(a)(4)(v))

6. Please be advised that contributions from political action committees are not contributions from individuals/persons other than political committees and should be disclosed on Line 11(c) of the Detailed Summary Page information and itemized on a separate Schedule A.

Please be advised that contributions from individuals are not contributions to other political committees such as political action committees and should be disclosed on Line 11(a)(i) of the Detailed Summary Page information and itemized on a separate Schedule A.

Please be advised that contributions to other committees or charitable organizations are not operating expenditures. These amounts should be disclosed on Line 21 of the Detailed Summary Page information and itemized on a separate Schedule B.

Please be advised that contributions to other committees or charitable organizations are not transfers to other authorized committees. These amounts should be disclosed on Line 21 of the Detailed Summary Page information and itemized on a separate Schedule B. (11 CFR § 104.3(b)(2))

7. Your report discloses the receipt of contributions from an unincorporated partnership and a limited liability corporation(s). Generally, these types of contributions are attributed to each person based on their percentage of ownership in the firm. However, any other acceptable formula may be used. Each person who has contributed in excess of \$200 since January 1 should be identified, on a memo Schedule A, by name, address, occupation, name of employer, amount of contribution, and aggregate total. (11 CFR § 110.1)

8. Contributions from individuals and persons other than political committees must be itemized when the aggregate total from the contributor exceeds \$200 in an election cycle. This means that the committee does not have a reporting requirement of a contribution until the aggregate total exceeds the \$200 threshold. (2 U.S.C. § 434(b)(3)) Should a committee wish to disclose contributions that do not require itemization, it must do so on a separate Schedule A and report the total amount of the contributions

not requiring itemization on Line 11(a)(ii), unitemized contributions, of the Detailed Summary Page information. (11 CFR § 104.3(a)(4)(i))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1155.

Sincerely,



Vicki Hubbard
Senior Campaign Finance Analyst
Reports Analysis Division

**Excessive and/or Prohibited Contributions
Graves for Congress (C00359034)
October Quarterly Report (7/1/07 - 9/30/07)**

**P = Primary Election
G = General Election**

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
American Bankers Association PAC		2/6/2007	\$2,500.00	P2008
American Bankers Association PAC		6/7/2007	\$2,000.00	P2008
American Bankers Association PAC		7/19/2007	\$1,000.00	P2008
American Bankers Association PAC		7/19/2007	\$500.00	P2008
American Bankers Association PAC		9/5/2007	\$4,000.00	P2008
Gage LLC		9/7/2007	\$2,000.00	P2008
Gage Properties, LLC		9/7/2007	\$2,000.00	P2008
Holton	John	6/27/2007	\$2,300.00	P2008
Holton	John	6/27/2007	\$2,300.00	G2008
Holton	John S.	8/15/2007	\$2,000.00	P2008
Physical Therapy PAC		12/27/2006	\$1,000.00	P2008
Physical Therapy PAC		3/31/2007	\$1,000.00	P2008
Physical Therapy PAC		6/11/2007	\$2,000.00	P2008
Physical Therapy PAC		9/26/2007	\$2,000.00	P2008
Scarborough International, Ltd.		9/28/2007	\$500.00	P2008
Sharpe	Charles N.	3/31/2007	\$2,300.00	P2008
Sharpe	Charles N.	9/28/2007	\$2,300.00	P2008
Sharpe	Laurie	3/31/2007	\$2,300.00	P2008
Sharpe	Laurie	9/28/2007	\$2,300.00	P2008
Taylor	Barbara B.	6/27/2007	\$2,300.00	P2008
Taylor	Barbara B.	9/25/2007	\$2,300.00	P2008